

The Gazette of India

EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 26] NEW DELHI, WEDNESDAY, SEPTEMBER 7, 1960/BHADRA 16, 1882

MINISTRY OF LAW (Legislative Department)

New Delhi, the 7th September, 1960/Bhadra 16, 1882 (Saka)

The following Acts of Parliament received the assent of the President on the 6th September, 1960, and are hereby published for general information:—

THE APPROPRIATION (RAILWAYS) No. 4 ACT, 1960 No. 29 of 1960

[6th September, 1960]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1960-61 for the purposes of Railways.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (Railways) No. 4 Short title. Act, 1960.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of thirty lakh rupees towards defraying the several charges which will come in the course of payment during the financial year 1960-61, in respect of the services relating to railways specified in column 2 of the Schedule.

Issue of Rs. 30,00,000 out of the Consolidated Fund of India for the financial year 1960-61.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.

(b) any particulars not shown therein in respect of provisions made for bad and doubtful debts and other usual or necessary provisions.

(2) If, in any such proceeding in relation to any banking company other than the Reserve Bank of India, any question arises as to whether any amount out of the reserves or provisions referred to in sub-section (1) should be taken into account by the authority before which such proceeding is pending, the authority may, if it so thinks fit, refer the question to the Reserve Bank and the Reserve Bank shall, after taking into account principles of sound banking and all relevant circumstances concerning the banking company, furnish to the authority a certificate stating that the authority shall not take into account any amount as such reserves and provisions of the banking company or may take them into account only to the extent of the amount specified by it in the certificate, and the certificate of the Reserve Bank on such question shall be final and shall not be called in question in any such proceeding.

(3) For the purposes of this section, "banking company" shall have the meaning assigned to it in the Industrial Disputes Act, 1947."

STATEMENT OF OBJECTS AND REASONS

The interpretation of the provisions of the Banking Companies Act, 1949, relating to certain special reserves maintained by banks has not been quite clear and the question of clarifying the intention has been under consideration for some time.

2. As credit institutions dealing primarily with depositors' monies, banks have to make certain special provisions against emergencies or unforeseen contingencies as a matter of financial prudence. The legal position in the United Kingdom and certain other countries is that banks have been specifically exempted by law from disclosing information relating to these provisions. In India the form of the balance sheet and the profit and loss account prescribed for banks by the Banking Companies Act ensures that such provisions need not be disclosed. But a doubt has been felt whether notwithstanding this, any Tribunal or other authority could compel banking companies to disclose information relating to these reserves and provisions. As such reserves and provisions are for emergencies and unforeseen contingencies, it is not in the public interest or in the interests of the banking system of the country to disclose these particulars. It is accordingly proposed to insert a new section in the Banking Companies Act to make it clear that information, which according to the law is not required to be published in the balance sheet or profit and loss accounts of a banking company, need not be disclosed to the various authorities under the Industrial Disputes Act. Although the secrecy of the special or inner reserves is thus proposed to be maintained, the various authorities constituted under the Industrial Disputes Act are being specifically empowered to call for reports from the Reserve Bank of India, as an expert authority, regarding the amount of such reserves which may be taken into account for the purposes of the proceedings under that Act.

NEW DELHI:

The 30th July, 1960.

MORARJI DESAI.

M. N. KAUL,

Secretary.

